

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEFRICK JOHNSON

15CV5415

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

DCM EFFECTORS, INC.,

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

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New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☒

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name DEFRICK JOHNSON
 Street Address PO BOX 9076
 County, City LOS ANGELES, LOS ANGELES
 State & Zip Code CALIFORNIA 90295
 Telephone Number 3149336159

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name DCM EFFECTORS, INC.,
 Street Address 110 EAST 42ND ST., STE #1104
 County, City NEW YORK, NEW YORK
 State & Zip Code NEW YORK 10017
 Telephone Number 2125991603

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

☐ Failure to hire me.
☒ Termination of my employment.

☐ Failure to promote me.

☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.

_____ Retaliation.

_____ Other acts (specify): _____.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: AND BEFORE 6/29/12.
Date(s)

C. I believe that defendant(s) (check one):

_____ is still committing these acts against me.

X _____ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☒ race BLACK ☒ color NON WHITE

☐ gender/sex _____ ☐ religion _____

☐ national origin _____

☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

☐ disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

On 6/29/12, without a verbal or written warning, I was discharged by the foreman for DCM Erectors. The reasons that were given were that I "didn't get along with others" and "took too long to finish a project". I have been a certified welder since 1994 and a member of the union since 1998. My experience and certifications demonstrate that I was more than capable of satisfactorily performing the duties of the position. There were whites employed in the same position who did not have the certifications that I was required to have and who could not weld in all positions. I was not late and did not miss any days, thus the foreman used frivolous and untrue reasons. DCM hired or sought to hire others to fill the position. I was treated differently than others with my experience/qualifications because I'm black/"nonwhite".

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 8/2/12 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

 X has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on _____ (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

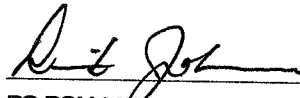
WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: \$300,000 in compensatory damages for emotional pain, suffering, mental anguish, inconvenience, and loss of enjoyment of life; back pay and front pay.

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3rd day of July, 2015.

Signature of Plaintiff



Address

PO BOX 9076

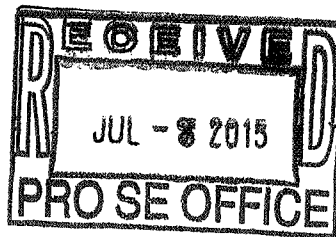
LOS ANGELES, CA 90295

Telephone Number

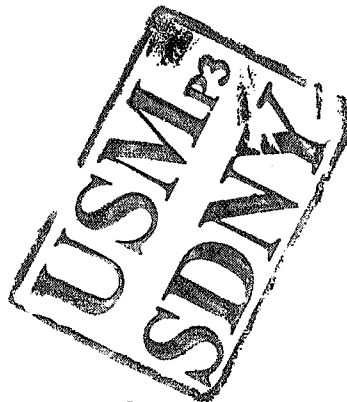
3149336159

Fax Number (*if you have one*)

DERRICK JOHNSON
P.O. Box 9076
Los Angeles, CA 90029



U.S. DISTRICT COURT OF THE SOUTHERN DISTRICT OF NEW YORK
PRO SE INTAKE UNIT
DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 200
NEW YORK, NEW YORK 10007



10007+15:1E

